

Attachment A

Nuvio Corporation – Important Issues Associated with the Provision of VoIP E-911 Services

NUVIO CORPORATION

May 5, 2005

IMPORTANT ISSUES ASSOCIATED WITH THE PROVISION OF VOIP E-911 SERVICES

1. Nuvio is committed to providing E-911 services to its customers. Currently, **Nuvio provides E-911 services to its customers in 55% of the rate centers that Nuvio serves.** Nuvio does this through CLEC VoIP E-911 solutions.
2. The CLEC VoIP E-911 solution is limited in a number of important ways: **(1) it cannot be used for customers that utilize “virtual” telephone numbers; (2) it is not compatible with portable VoIP services; (3) it is not available throughout the CLEC’s service footprint; and (4) CLECs do not cover the entire United States.**
3. Any VoIP E-911 solution mandated by the Commission **must be national in its application.** Inconsistent state regulation will impede the deployment of E-911 services. Similar to wireless E-911, the Commission must direct the process.
4. **VoIP providers need access to certain elements of the emergency services infrastructure** in order to provision a robust E-911 solution that work for all customers. VoIP providers will need access to certain wireline and wireless elements to make the service functional.
5. Public safety is of paramount importance. It is also important that any interim or final solution take into account the cost of implementation and the burden it will impose on VoIP E-911 providers. **Technical feasibility includes a cost analysis in terms of actual cost to implement the solution as well as opportunity cost.** Overly burdensome VoIP E-911 regulation will stifle innovation.
6. **The Commission must ensure that there is a reasonable timeframe for implementation.** The portable nature of VoIP services requires work on a national scale. As such, adequate time will be required in order to develop and deploy a solution.
7. **The Commission should also encourage innovation in the development of emergency services.** IP-enabled PSAPs would vastly simplify the delivery of E-911 calls from a variety of IP-enabled services, reduce the costs associated with implementing a VoIP E-911 solution, allow for redundancy, and provide a platform for the transmission of richer data to greatly enhance the delivery of emergency services. This goal must not be lost in the VoIP E-911 order.

Attachment B

Kansas House Bill 2026 Conference Committee Report

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2026**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 3, in line 14, by striking "and"; in line 15, before the period, by inserting "; and in fiscal year 2009, \$5,500,000"; in line 17, by striking "2008" and inserting "2009"; in line 31, by striking "and 2007" and inserting ", 2007 and 2008";

On page 4, following line 9, by inserting:

"Ne Sec. 1. (a) As used in this section:

(1) "VoIP provider" means any provider of voice over internet protocol service (hereafter referred to as VoIP) other than a business which: (A) Does not provide such service to customers outside its business organization; or (B) provides VoIP service as a customer product secondary to the primary product sold by the business.

(2) "PSAP" has the meanings provided in the wireless enhanced 911 act.

(b) Each VoIP provider shall direct to the appropriate PSAP dispatcher any emergency 911 calls made by users of its VoIP service.";

By renumbering sections 3 through 6 as sections 4 through 7;

And your committee on conference recommends the adoption of this report.

Conferees on part of Senate

Conferees on part of House

Attachment C

Kansas House Bill 2026

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

As Amended by House Committee

Session of 2005

HOUSE BILL No. 2026

By Legislative Educational Planning Committee

12-30

14 AN ACT concerning the Kansas universal service fund, relating to KAN-
15 ED, amending K.S.A. 66-2010 and repealing the existing section tel-
16 ecommunications; relating to the KAN-ED and its funding; con-
17 cerning emergency 911 telecommunications services; amending
18 K.S.A. 66-2010 and K.S.A. 2004 Supp. 75-7226 and repealing
19 the existing sections.
20

21 *Be it enacted by the Legislature of the State of Kansas:*

22 Section 1. K.S.A. 66-2010 is hereby amended to read as follows: 66-
23 2010. (a) The commission shall utilize a competitive bidding process to
24 select a neutral, competent and bonded third party to administer the
25 KUSF.

26 (b) The administrator shall be responsible for: (1) Collecting and au-
27 diting all relevant information from all qualifying telecommunications
28 public utilities, telecommunications carriers or wireless telecommuni-
29 cations service providers receiving funds from or providing funds to the
30 KUSF; (2) verifying, based on the calculations of each qualifying telecom-
31 munications carrier, telecommunications public utility or wireless tele-
32 communications service provider, the obligation of each such qualifying
33 carrier, utility or provider to generate the funds required by the KUSF;
34 (3) collecting all moneys due to the KUSF from all telecommunications
35 public utilities, telecommunications carriers and wireless telecommuni-
36 cations service providers in the state; and (4) distributing amounts on a
37 monthly basis due to qualifying telecommunications public utilities, wire-
38 less telecommunications service providers and telecommunications car-
39 riers receiving KUSF funding.

40 (c) Any information made available or received by the administrator
41 from carriers, utilities or providers receiving funds from or providing
42 funds to the KUSF shall not be subject to any provisions of the Kansas
43 open records act and shall be considered confidential and proprietary.

1 (d) The administrator shall be authorized to maintain an action to
2 collect any funds owed by any telecommunications carrier, public utility
3 or wireless telecommunications provider in the district court in the county
4 of the registered office of such carrier, utility or provider or, if such car-
5 rier, utility or provider does not have a registered office in the state, such
6 an action may be maintained in the county where such carrier's, utility's
7 or provider's principal office is located. If such carrier, utility or provider
8 has no principal office in the state, such an action may be maintained in
9 the district court of any county in which such carrier, utility or provider
10 provides service.

11 (e) The KUSF administrator shall be responsible to ensure that funds
12 do not fall below the level necessary to pay all amounts collectively owed
13 to all qualifying telecommunications public utilities, wireless telecom-
14 munications service providers and telecommunications carriers. The ad-
15 ministrator shall have the authority to retain and invest in a prudent and
16 reasonable manner any excess funds collected in any period to help ensure
17 that adequate funds are available to cover amounts payable in other
18 periods.

19 (f) (1) ~~Before October 1, 2002, the chief executive officer of the state~~
20 ~~board of regents shall certify to the administrator of the KUSF the~~
21 ~~amount provided by appropriation acts to be expended from the KAN-~~
22 ~~ED fund created by K.S.A. 2003 Supp. 75-7225, and amendments~~
23 ~~thereto, for the fiscal year ending June 30, 2003. Before October 1, 2003,~~
24 ~~the chief executive officer of the state board of regents shall certify to the~~
25 ~~administrator of the KUSF the amount equal to twice the amount pro-~~
26 ~~vided by appropriation acts to be expended from the KAN-ED fund for~~
27 ~~the fiscal year ending June 30, 2003. Before July 1, 2004, and before July~~
28 ~~1 of each year thereafter, the chief executive officer of the state board of~~
29 ~~regents shall certify to the administrator of the KUSF the amount pro-~~
30 ~~vided by appropriation acts to be expended from the KAN-ED fund for~~
31 ~~the fiscal year commencing the preceding July 1. Upon receipt of the~~
32 ~~certification of the chief executive officer of the state board of regents,~~
33 ~~the KUSF administrator shall add the amount certified to the amount~~
34 ~~annually required to fund the KUSF as determined pursuant to subsec-~~
35 ~~tion (b).~~

36 (2) ~~Commencing January 1, 2003, and until June 30, 2004, on or~~
37 ~~before the 10th day of each month the administrator of the KUSF shall~~
38 ~~pay from the KUSF to the state treasurer an amount equal to 1/6 of the~~
39 ~~amount certified by the chief executive officer of the state board of re-~~
40 ~~gents pursuant to subsection (f)(1) for the fiscal year ending June 30,~~
41 ~~2003. Commencing July 1, 2004, On or before the 10th day of each~~
42 ~~month, the administrator of the KUSF shall pay from the KUSF to the~~
43 ~~state treasurer 1/12 of the amount certified by the chief executive officer~~

of the state board of regents pursuant to subsection (a) for the fiscal year preceding the fiscal year in which the payment is made. Upon the receipt of the payment, the state treasurer shall deposit the entire amount in the state treasury and credit it to the KAN-ED fund. Any such payments shall be made after all payments required by K.S.A. 66-2008, and amendments thereto, for the month are made from the KUSF.

(3) ~~Amounts appropriated to be expended from the KAN-ED fund for the fiscal year ending June 30, 2003, shall be based on a budget for only six months' operations. Amounts appropriated thereafter shall be based on a budget for 12 months' operations.~~

~~(4) Not more than \$10,000,000 the following shall be paid from the KUSF to the state treasurer pursuant to this subsection (f) in any one fiscal year: In fiscal year 2006, \$10,000,000; in fiscal year 2007, \$8,000,000; and in fiscal year 2008, \$7,000,000; in fiscal year 2009, \$6,500,000; and in fiscal year 2010, \$5,500,000 \$6,000,000.~~

~~(5) (4)~~ The provisions of this subsection (f) shall expire on June 30, ~~2005 2008 2010~~ 2008. Thereafter, state general fund moneys shall be used to fund the KAN-ED network *and such funding shall be of the highest priority along with education funding.*

Sec. 2. K.S.A. 2004 Supp. 75-7226 is hereby amended to read as follows: 75-7226. (a) On or before January 15 of each year, the board shall publish an annual report and shall present the report to the legislature, governor and department of education. The report shall set forth in detail the operations and transactions conducted by the board pursuant to this act. The annual report shall specifically account for the ways in which the purpose of this act have been carried out, and the recommendations shall specifically note what changes are necessary to better address the purposes described in this act.

~~(b) The report required pursuant to this section in years 2006, 2007, 2008 and 2009 and 2007 shall include a statement of the costs of and savings realized by implementation of the network and a plan for funding the network.~~

New Sec. 3. (a) As used in this section:

(1) "VoIP provider" means any provider of voice over internet protocol service (hereafter referred to as VoIP) other than a business which: (1) does not provide such service to customers outside its business organization; or (2) provides VoIP service as a customer product secondary to the primary product sold by the business.

(2) "Local collection point administrator" and "PSAP" have the meanings provided in the wireless enhanced 911 act.

(b) Any VoIP provider providing services to persons who are primarily residents of Kansas shall notify the local collection point

~~1 administrator to receive a list of telephone numbers for PSAP's in~~
~~2 this state. Upon receipt of an emergency 911 call, a VoIP provider~~
~~3 shall call the appropriate PSAP and relay the customer's name, res-~~
~~4 idence address and any other relevant information recorded in the~~
~~5 VoIP provider's records.~~

~~6 (c) The local collection point administrator may require VoIP~~
~~7 providers to reimburse the administrator for costs associated with~~
~~8 developing, compiling, maintaining and providing the list of tele-~~
~~9 phone numbers of PSAP's in this state.~~

10 New Sec. 3. (a) ~~By July 1, 2007, KAN-ED and the Kansas re-~~
11 ~~search and education network shall be integrated into one network.~~
12 ~~KAN-ED shall take the lead in organizing and integrating the two~~
13 ~~networks. On and after July 1, 2007, all powers and duties and~~
14 ~~functions of the Kansas research and education network shall be~~
15 ~~and hereby are transferred to and conferred and imposed upon the~~
16 ~~KAN-ED network [The state board of regents shall study the KAN-~~
17 ~~ED network and the Kansas research and education network for the~~
18 ~~purpose of identifying duplication of services and inefficiencies ex-~~
19 ~~isting between the two networks. If duplication of services or ine-~~
20 ~~fficiencies exist, the state board of regents shall develop a plan to~~
21 ~~reduce or eliminate such duplication of services or inefficiencies.~~
22 ~~The secretary of administration and the state board of regents shall~~
23 ~~develop recommendations regarding the manner in which the Kan-~~
24 ~~sas wide area network may be incorporated into the KAN-ED~~
25 ~~network].~~

26 (b) On or before January 13, 2006, the secretary of administra-
27 tion and the state board of regents shall submit to the senate stand-
28 ing committee on commerce and the house standing committee on
29 utilities joint recommendations regarding:

30 (1) ~~The manner in which the transfer provided for by subsection~~
31 ~~(a) may be accomplished; and~~

32 ~~(2) [The findings of the study provided for in subsection (a);~~

33 ~~[(2) any plan for reducing or eliminating duplication of services~~
34 ~~and inefficiencies; and~~

35 ~~[(3)] the manner in which the Kansas wide area information net-~~
36 ~~work may be incorporated into the integrated network provided for~~
37 ~~by subsection (a) [KAN-ED network].~~

38 New Sec. 4. No public safety answering point other than a po-
39 litical subdivision of the state shall be eligible to receive moneys
40 distributed pursuant to the wireless enhanced 911 act.

41 Sec. ~~2~~ 5. K.S.A. 66-2010 is and K.S.A. 2004 Supp. 75-7226 are
42 hereby repealed.

1 Sec. ~~3~~ **6.** This act shall take effect and be in force from and after its
2 publication in the statute book.